

FOR PUBLICATION
UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

MARK V. SCHEEHLE,
Plaintiff-Appellant,

v.

JUSTICES OF THE SUPREME
COURT OF THE STATE OF ARIZONA:
STANLEY G. FELDMAN, CHARLES E.
JONES, FREDERICK J. MARTONE;
RUTH V. MCGREGOR; AND THOMAS
A. ZLAKET; JUDGES OF THE
SUPERIOR COURT OF THE STATE OF
ARIZONA, IN AND FOR THE
COUNTY OF MARICOPA: MICHAEL R.
MCVEY; ROBERT D. MYERS;
JONATHAN H. SCHWARTZ; AND
CHRISTOPHER M. SKELLY,
Defendants-Appellees.

No. 00-15457
D.C. No.
CV-98-01095-SMM
ORDER

Appeal from the United States District Court
for the District of Arizona
Stephen M. McNamee, District Judge, Presiding

Argued and Submitted
June 4, 2001—San Francisco, California
Opinion filed July 26, 2001
Opinion withdrawn October 29, 2001

Filed January 10, 2003

Before: Harry Pregerson, Warren J. Ferguson, and
Michael Daly Hawkins, Circuit Judges.

COUNSEL

Mark V. Scheehle (argued) and Dorothy L. Scheehle, Scheehle Law Firm, P.L.C., Fountain Hills, Arizona, Pro Se.

Scott Bales (argued), Solicitor General, State of Arizona, Phoenix, Arizona, for the defendants-appellees.

ORDER

The heart of Appellant's constitutional claim centers around whether he may be compelled, without just compensation, to participate as an arbitrator in the Maricopa County civil arbitration project. The Arizona Supreme Court, in response to a question certified to them, has determined that A.R.S. § 12-133 does not authorize the creation of an arbitration system mandating lawyer participation. We now remand to the district court to determine the present position of the parties and the jurisdictional and other status of the litigation in light of this development.

REMANDED.

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